

AMENDED IN ASSEMBLY JUNE 25, 1996

SENATE BILL

No. 1673

Introduced by Senators Johnston and Boatwright
(Coauthors: Assembly Members Hannigan, Machado, and
Rainey)

February 21, 1996

An act to amend Sections 29750 ~~and 29759 of~~, 29759, and 29776 of, and to repeal Section 29775 of, the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

SB 1673, as amended, Johnston. Delta Protection Commission.

(1) Existing law, the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta.

Existing law requires the commission to meet at least monthly and abolishes the commission on January 1, 1997.

This bill would instead require the commission to meet at least bi-monthly and would extend the existence of the commission to January 1, 1999.

The bill would impose a state-mandated local program since this bill would extend the existence of the commission and existing law requires, within 180 days of the adoption of any amendment to the regional plan by the commission, that all local governments, as specified, submit to the commission

proposed amendments which will cause their general plans to be consistent with specified criteria.

(2) *Under existing law, a penalty assessment in the amount of 10% is assessed on fines imposed for specified violations occurring within the delta and is deposited in the Sacramento-San Joaquin Delta Protection Fund, to be available, upon appropriation by the Legislature, for support of the commission, as prescribed.*

This bill would repeal that penalty assessment and make related changes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 29750 of the Public Resources
2 Code is amended to read:

3 29750. The commission shall meet at least bi-monthly.
4 All meetings shall be open to the public as required by
5 law. Notice of the time and place of all regular and special
6 meetings shall be published at least once in a newspaper
7 of general circulation whose area of circulation is
8 throughout the delta. Notice of any meeting shall be
9 published at least seven days prior to the meeting date.

10 SEC. 2. Section 29759 of the Public Resources Code is
11 amended to read:

12 29759. The commission shall be abolished as of
13 January 1, 1999, and, if provided for by the Legislature, a
14 successor agency shall administer this division on and
15 after that date.

16 SEC. 3. *Section 29775 of the Public Resources Code is*
17 *repealed.*

18 ~~29775. A penalty assessment in the amount of 10~~
19 ~~percent shall be assessed on any fine imposed pursuant to~~

~~Section 12002, 12002.1, or 12002.2 of the Fish and Game Code for a violation that occurs within the delta. A penalty assessment in the amount of 10 percent shall also be assessed on any fine imposed pursuant to Section 668 of the Harbors and Navigation Code for any violation occurring within the delta.~~

SEC. 4. Section 29776 of the Public Resources Code is amended to read:

~~29776. Any penalty assessed pursuant to Section 29775 shall be transmitted to the Treasurer for deposit in the The Sacramento-San Joaquin Delta Protection Fund, which is hereby created in the State Treasury. The Any money in the Sacramento-San Joaquin Delta Protection Fund is available, upon appropriation by the Legislature, for support of the commission, commencing in the 1992-93 fiscal year, in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year.~~

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.